

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.618 of 2025

Arising Out of PS. Case No.-277 Year-2024 Thana- SIMRI District- Darbhanga

Nitish Kumar Son of Binod Rai R/o Vill.- Prampur, P.S.- Tishiauta, District -
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 22-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Simri
Bazar PS Case No. 277 of 2024 instituted for the offences under
Sections 8(c), 21(c), 22(c), 29 & 35 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 720 litres cough syrup and 27 bags of
soyabean, each containing 20 Kg, from pickup vehicle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 24-10-2024 and
has got no criminal antecedent. Learned counsel for the
petitioner mainly contends that petitioner was the driver of the



pick-up van, and he was oblivious of the fact that contraband was laden in the vehicle. There is no compliance of Sections 42 and 50 of the NDPS Act.

5. Learned A.P.P. for the State has filed a counter affidavit and has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that total constituents of codeine in 720 bottles comes to about 1.440 Kg, which is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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